

REMARKS

The sole rejection in the aforementioned Office Action is that claims 1-23 (all the pending claims in this application) are unpatentable under 35 USC 101 as claiming the same invention as claims 1-26 of prior U.S. Patent No. 6,816,147 (issued on the parent of the present application). This rejection is traversed.

More specifically this rejection is traversed on the grounds that there are in fact substantial differences between the present claims and those of the aforementioned patent. The Table below sets out a detailed comparison between the first claims of the present application and the patent:

Present claim 1	Claim 1 of U.S. Patent 6,816,147
An electro-optic display comprising: a bistable electro-optic material having on one side thereof a viewable surface visible to an observer viewing the display, and on the opposed side thereof a writing surface; a deformable member contacting the writing surface of the electro-optic material, the deformable member having a plurality of electrodes formed on its surface contacting the writing surface of the electro-optic material; and a movable member disposed on the opposed side of the deformable member from the electro-optic material and movable relative to the electro-optic material, the movable member urging the deformable member into contact with the electro-optic material such that movement of the movable member relative to the electro-optic material will cause the area of contact between the deformable member and the electro-optic material to move across the writing surface of the electro-optic material.	An electro-optic display comprising: a bistable electro-optic material having on one side thereof a viewable surface visible to an observer viewing the display, and on the opposed side thereof a writing surface; a deformable member <i>disposed adjacent but spaced from</i> the writing surface of the electro-optic material, the deformable member <i>bearing</i> a plurality of <i>elongate</i> electrodes formed on its surface <i>facing</i> the writing surface of the electro-optic material; and a movable member disposed on the opposed side of the deformable member from the electro-optic material and movable relative to the <i>deformable member, in a direction substantially parallel to the length of the elongate electrodes,</i> the movable member <i>contacting and deforming the deformable member</i> such that <i>a portion of each elongate electrode contacts or lies closely adjacent the writing surface of the electro-optic material.</i>

From the foregoing Table, it should readily be apparent that there are significant differences in scope between the two claims. In particular, the present claim 1 requires that the movable member be movable relative to the electro-optic medium, whereas the patent claim requires that the movable member be movable relative to the deformable member in a direction substantially parallel to the length of the elongate electrodes. Also, the patent claims requires that the movable member contact and deform the deformable member whereas the present claim only requires that the movable member urge the deformable member into contact with the electro-optic material.

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Substantially the same differences exist between the two independent method claims, namely claim 18 of the present application and claim 19 of the patent.

For the foregoing reasons, claims 1-23 of the present application are not duplicates of the claims of the aforementioned patent, and the 35 USC 101 rejection should be withdrawn. The applicant does, however, concede that an obviousness type double patenting situation exists between the two sets of claims, and an appropriate Terminal Disclaimer is filed herewith.

Since the prescribed period for responding to the Office Action expired January 3, 2007, a Petition for a two month extension of this period is filed herewith.

Respectfully submitted,
/David J. Cole/
David J. Cole
Registration No. 29629

E INK Corporation
733 Concord Avenue
Cambridge MA 02138-1002

Telephone (617) 499-6069
Fax (617) 499-6200
E-mail dcote@eink.com